Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE TUESDAY, DECEMBER 26, 1978
(PUSHYA 5, SAKA ERA 1900). | No. 1500

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 50 LGN 78

Bangalore, dated 26th December 1978.

Ordered that the **Karnataka Legislature Salaries (Amendment) Act, 1978** which received the assent of the Governor on the Nineteenth day of December, 1978, be published as Karnataka Act No. 31 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 31 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-sixth day of December* 1978).

THE KARNATAKA LEGISLATURE SALARIES (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Nineteenth day of December* 1978).

AN ACT further to amend the Karnataka Legislature Salaries Act, 1956.

Whereas it is expedient further to amend the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Legislature Salaries (Amendment) Act, 1978.

(2) This section, sections 2, and 3, clause (1) of section 7, sections 8, 9, clause (1) of section 14, sections 15, 18 and 21 shall come into force at once, sections 17, 19 and 20 shall be deemed to have come into force on 1st day of April 1978, sections 11, 12, 13 and sub-section (2) of section 14 shall be deemed to have come into force on 19th July 1976, section 5 and sub-section (2) of section 7 in so far as they relate to sections 10B and 10D of the principal Act shall be deemed to have come into force on 14th October, 1974, sub-section (2) of section 10 shall be deemed to have come into force on 27th May 1974, and other provisions shall be deemed to have come into force on 23rd March 1972.

2. **Amendment of long title and the preamble.**—In the long title to and the preamble of the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957) (in this Act, referred to as the principal Act), for the words "salaries and allowances", the words "salaries, pensions and allowances" shall be substituted.

3. **Amendment of section 1.**—In section 1 of the principal Act, after the word "Salaries", the words "and Pensions" shall be inserted.

4. Amendment of sections 3 and 10A.—In sections 3 and 10A of the principal Act, for the words "one thousand and two hundred rupees" the words "one thousand seven hundred and fifty rupees" shall be substituted.

5. Amendment of sections 4 and 10B.—In sections 4 and 10 B of the principal Act, the words "without payment of rent" shall be omitted and for the words "fifteen days" and "three hundred and fifty rupees" the words "sixty days" and "five hundred rupees" shall respectively be substituted.

6. Amendment of section 5.—In section 5 of the principal Act, for the words "three hundred and fifty" the words "seven hundred and fifty" shall be substituted.

7. Amendment of sections 6 and 10D.—In sections 6 and 10D of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence."

8. Amendment of section 8.—In section 8 of the principal Act,—

(1) in the heading and in sub-sections (1), (2), (2A) and (2B), for the words "Deputy Speaker" wherever they occur, the words "Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips" shall be substituted;

(2) in sub-section (2),—

(a) in clause (b), for the words "seventy five paise" the words "one rupee" shall be substituted;

(b) in clause (d), for the word "thirty" the word "fifty" shall be substituted;

(c) in the first proviso to clause (d), for the words "fifty" the words "seventy five" shall be substituted.

9. Amendment of section 9.—In section 9 of the principal Act,—

(1) after the words "Deputy Speaker" in the two places where they occur, the words "the Leaders of the Opposition and the Government Chief Whips" shall be inserted;

(2) in the Explanation after the words "this section" the words and figures "and section 12" shall be inserted.

10. Amendment of section 10.—In section 10 of the principal Act,—

(1) in sub-section (1), for the words "eight hundred", the words "one thousand and five hundred" shall be substituted;

(2) in sub-section (2), for the words "five hundred", the words "seven hundred and fifty" shall be substituted.

11. Amendment of section 10E and 10J.—In sections 10E and 10J of the principal Act, for the words "one thousand and two hundred rupees" and "one thousand rupees" the words "one thousand seven hundred and fifty rupees" and "one thousand and five hundred rupees" shall respectively be substituted.

12. Amendment of sections 10F and 10K.—In sections 10F and 10K of the principal Act, the words "without payment of rent" shall be omitted and for the words "fifteen days" and "three hundred and fifty rupees" the words "sixty days" and "five hundred rupees" shall respectively be substituted.

13. Amendment of sections 10G and 10L.—In sections 10G and 10L of the principal Act, for the words "five hundred" the words "seven hundred and fifty" shall be substituted.

14. Amendment of sections 10 I and 10N.—In sections 10I and 10N of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted;

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the resid[illegible]"

15. "Ommission of section 10H and 10M.—Sections 10H and 10M of the principal Act shall be omitted.

16. Insertion of new sections 10 O, 10P and 10Q.—After section 10N of the principal Act, the following sections shall be inserted, namely:—

"**10 O. Application of Act to Whips.**—If a Minister or a Minister of State or a Deputy Minister is appointed as a Government Chief Whip, he shall not be entitled to any salary or allowances specified in this Act and he shall be governed by the provisions of the Karnataka Ministers Salaries and Allowances Act, 1956.

10P. Government to bear electricity and water charges in certain other cases.—In respect of the residence of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips, who does not avail the facility of furnished residence, monthly charges in excess of two hundred rupees for consumption of electricity and water together in his residence shall be borne by the State Government.

10 Q. Deductions in respect of house rent etc.—There shall be deducted every month from the salary payable to the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, a Leader of the Opposition and a Government Chief Whip,—

(*a*) a sum equal to ten per cent of his salary as house rent if he is in occupation of a residence provided by the State Government;

(b) a sum equal to two and a half per cent of his salary as rent of the furnishings of his residence if the same has been furnished by the State Government.

17. Amendment of section 11.—In section 11 of the principal Act,—

(1) in the heading, the words "and special allowance" shall be omitted.

(2) in sub-section (1),—

(i) for the words "a salary of rupees two hundred any fifty per mensem and a special allowance of rupees two hundred and fifty per mensem" the words "a salary of

(ii) in the first, second and third provisos the words "and special allowance" wherever they occur, shall be omitted;

(3) in sub-section (2), the words "or special allowance" in the two places where they occur, shall be omitted.

18. Insertion of new sections 11A, 11B and 11C—After section 11 of the principal Act, the following sections shall be inserted namely :—

"11A. **Pension to the members etc.**—(1) With effect from the date of commencement of section 1 of the Karnataka Legislature Salaries (Amendment) Act, 1978, there shall be paid, to every person, who has served after the first day of January 1952, for a period of five years as,—

(i) a member of the Legislative Council; or

(ii) a member of the Legislative Assembly; or

(iii) partly as a member of the Legislative Assembly and partly as a member of the Legislative Council,

a pension of three hundred rupees per mensem for the remainder of his life:

Provided that where any person has served as aforesaid for not less than ten years, there shall be paid to him a pension of five hundred rupees per mensem:

Provided further that where a member has been prevented from serving as such for five years on account of dissolution of the Legislative Assembly, he shall be deemed to have served as member for five years.

Explanation :—For the purpose of this sub-section, a member of the Legislative Assembly or the Legislative Council includes a person who prior to the 1st day of November 1956 represented any of the areas which with effect on and from the said date have become part of the new State of Karnataka, as a member of the Legislative Assembly or the Legislative Council of the State of which the said areas were part:

Provided that in the case of a nominated member of the Legislative Assembly or the Legislative Council he shall be eligible for the pension if during his membership of the Legislative Assembly or the Legislative Council, he ermanently resided in any area which forms part of the te of nataka.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the Office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union territory ; or

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, a Chairman, Speaker, a Deputy Chairman, a Deputy Speaker, a Leader of the Opposition or a Government Chief Whip ;

(iii) becomes a Member of the Council of State, or the House of the People or the Legislative Assembly of a State or Union Territory or any Legislative Council of a State ; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed or continues to be entitled to such remuneration :

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred to in clause (iv) payable to such person is in either case less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the balance as pension under that sub-section.

(3) Where any person entitled to receive pension under sub-section (1) is also entitled to any pension from any State Government or the Central Government or any Corporation owned or controlled by any State Government or the Central Government or any Local Authority, under any law or otherwise then,—

(a) where the amount of pension to which he is titled nder suc la or ot e se, is l to in

such person shall not be entitled to any pension under the said sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section.

(4) In computing the number of years, for the purpose of sub-section (1), the period during which a person has served in any one or more of the following capacities, namely, a Minister, a Minister of State, a Deputy Minister, a Parliamentary Secretary, the Chairman, the Speaker a Leader of the Opposition or a Government Chief Whip by virtue of his membership of the Legislative Assembly or the Legislative Council, shall also be taken into account.

11B. Family Pension.—(1) Subject to such rules as may be prescribed, where a person eligible to pension under section 11A or under the Karnataka Ministers Salaries, Pensions and Allowances Act 1956 dies, there shall be paid to his family, a family pension at the rate of two hundred rupees per mensem for a period of ten years.

Explanation.—For the purposes of this sub-section, 'family' means, the following relatives of the deceased member, namely:—

(a) wife or the husband;
(b) minor sons; and
(c) unmarried minor daughters.

(2) The family pension admissible under sub-section (1) shall be payable in the following order,

(a) wife or husband; and

(b) the eldest among the minor sons or unmarried minor daughters, where the deceased member has no surviving spouse:

Provided that where the recipient of the family pension dies or marries or ceases to be a minor, the pension payable shall thereafter be paid to the person next lower in the order of preference.

11C. Sumptuary allowance.—(1) The Leaders of the Opposition shall be paid a sumptuary allowance of two thousand and four hundred rupees per num.

(2) The Deputy Chairman, the Deputy Speaker and the Government Chief Whips shall be paid a sumptuary allowance of one thousand and eight hundred rupees per annum".

19. Amendment of section 12.—In section 12 of the principal Act,—

(1) in the heading after the word "medical", the words "and other" shall be inserted;

(2) in clause (a), for the words, "is not provided" and "rupees fifteen", the words "is not provided or not availed" and "twenty five rupees" shall respectively be substituted;

(3) in sub-clause (i) of clause (b), for the words 'thirty-one rupees", the words "fifty-one rupees" shall be substituted.

(4) in clause (c), for the words "every member shall be entitled", the words "every member and the members of his family who are residing with and are dependent on him shall be entitled" shall be substituted;

(5) in clause (cc),—

(a) for the words "every member", the words "every member and his spouse" shall be substituted;

(b) for the words "which shall entitle him", the words "each which shall entitle them" shall be substituted.

(6) after the clause (cc), the following clause shall be inserted, namely:—

"(ccc). every member including a Minister, a Minister of State, a Chairman, a Speaker, a Deputy Chairman a Deputy Speaker, a Leader of the Opposition and a Government Chief Whip shall be provided with railway coupons which shall, subject to such rules as may be prescribed, entitle such member and his spouse to travel by first class, by any railway in India, for a distance of ten thousand kilometres in the aggregate during a period of twelve calendar months. A member shall not be entitled for any travelling or daily allowance for such j urney;"

(7) in clause (d), after the words "such rent", the words "not being less than five rupees a day" shall be inserted;

(8) after clause (f), the following clauses shall be inserted, namely :—

" (g) a member shall be entitled to have a telephone installed at Government cost at the place where he ordinarily resides. The expenditure in respect of initial deposit, installation and rental charges shall be borne by the State Government. Where a member has a telephone installed at his own cost at the place where he ordinarily resides, the rental charges in respect thereof shall be borne by the State Government;

(h) every member shall be paid an allowance of three hundred rupees per month towards meeting the expenditure incurred by him on telephone calls and postal charges and other contingencies in the discharge of his duties as a member"

20. Omission of section 12 A :—Section 12 A of the principal Act shall be omitted.

21. Amendment of section 13—In section 13, the principal Act,—

(1) in the heading, after the word "Minister the words " a Minister of State " shall be inserted.

(2) in sub-section (1), after the words, "A Minister" the words " a Minister of State ", shall be inserted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Dept. of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty & Publns. at the Govt. Press B'lore